

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to contested cases

The Transportation Department hereby amends Chapter 13, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

The amendments to Chapter 13 change “office” to “bureau” to match the current organization of the Department and add a new subrule, which was requested by the Department of Inspections and Appeals. This subrule permits the Department of Inspections and Appeals to allow service by email or notice of electronic filing to an attorney if an appellant is represented.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 10, 2022, as **ARC 6447C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on October 11, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on December 7, 2022.

The following rule-making actions are adopted:

ITEM 1. Strike “office” wherever it appears in rules **761—13.4(17A)** and **761—13.7(17A)** and insert “bureau” in lieu thereof.

ITEM 2. Adopt the following **new** subrule 13.12(3):

13.12(3) Notwithstanding subrule 13.12(2), any notices, communications and decisions regarding the contested case issued and sent directly by the department of inspections and appeals may be sent by email or notice of electronic filing as defined by rule 481—16.2(10A) to the party’s attorney at the latest email address which the party’s attorney has provided to the department of inspections and appeals.

[Filed 10/11/22, effective 12/7/22]

[Published 11/2/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/2/22.